

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SIXTH LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 28, 2022

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 58 members present.

Absent and excused - Addis, Andrus, Armstrong, Barbieri, Crane, Erickson, Gibbs, Kauffman, Kingsley, Nichols, Wood, and Young. Total - 12.

Total - 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Audrey Payne, Page.

3RD ORDER

Approval of Journal

January 28, 2022

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighteenth Legislative Day and recommend that same be adopted as corrected.

CHANEY, Chairman

Mr. Chaney moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

5TH ORDER

Report of Standing Committees

January 28, 2022

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed [HCR 30](#), [H 473](#), [H 474](#), [H 475](#), [H 476](#), [H 477](#), [H 478](#), [H 479](#), [H 480](#), [H 481](#), [H 482](#), and [H 483](#).

CHANEY, Chairman

[HCR 30](#) and [H 483](#) were referred to the Ways and Means Committee.

[H 473](#) was referred to the Business Committee.

[H 474](#) was referred to the Local Government Committee.

[H 475](#), [H 476](#), [H 477](#), [H 478](#), and [H 479](#) were referred to the Transportation and Defense Committee.

[H 480](#), [H 481](#), and [H 482](#) were referred to the Revenue and Taxation Committee.

January 27, 2022

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have had under consideration [H 453](#) and recommend that it do pass.

CHANEY, Chairman

[H 453](#) was filed for second reading.

January 27, 2022

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 450](#) and recommend that it do pass.

HOLTZCLAW, Chairman

[H 450](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 3

BY JUDICIARY, RULES AND ADMINISTRATION

COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Yellowstone National Park was established in 1872 as the first national park in America; and

WHEREAS, while the majority of Yellowstone is located in Wyoming, small portions of the park are located in Montana and Idaho; and

WHEREAS, as a national park, Yellowstone is federal land, and any crimes committed within the confines of Yellowstone are federal crimes; and

WHEREAS, Congress has established in United States Code that all of Yellowstone, including the portion in Idaho, falls under the jurisdiction of the United States District Court for the District of Wyoming; and

WHEREAS, an article by Professor Brian C. Kalt in the Georgetown Law Journal theorizes that the United States Constitution requires that for any crime committed in the portion of Yellowstone located in Idaho, the jurors in such a trial would need to be drawn from the portion of Yellowstone located in Idaho; and

WHEREAS, according to the 2020 census, the population of the portion of Yellowstone located in Idaho is zero, meaning there would be no potential jurors for a crime committed there; and

WHEREAS, without any potential jurors, a person who commits a crime in the portion of Yellowstone located in Idaho would theoretically be deprived of their constitutional right to a trial by jury, and the United States District Court may have no choice but to dismiss any such charges; and

WHEREAS, such a legal loophole creates a scenario where any person who commits a crime in the portion of Yellowstone located in Idaho could commit such crime with impunity; and

WHEREAS, placing the portion of Yellowstone located in Idaho under the jurisdiction of the United States District Court for the District of Idaho would theoretically close such a loophole.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature calls upon Congress to close this potential legal loophole by amending United States Code and placing the portion of Yellowstone National Park located in Idaho under the jurisdiction of the United States District Court for the District of Idaho while maintaining the United States Court of Appeals for the Tenth Circuit as the proper venue for all administrative appeals concerning Yellowstone.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress and to the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 3 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Mr. Adams asked unanimous consent that pursuant to House Rule 42, he be allowed to address the body for two and a half minutes on a matter of personal privilege. There being no objection, he delivered his comments to the House.

8TH ORDER

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 484

BY GIDDINGS

AN ACT

RELATING TO INCOME TAX; AMENDING SECTION 63-3022A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEDUCTION OF MILITARY RETIREMENT PAY FROM TAXABLE INCOME AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 485

BY GIDDINGS

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1005, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE RETURN OF ABSENTEE BALLOTS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 486

BY GIDDINGS

AN ACT

RELATING TO HEALTH; REPEALING CHAPTER 38, TITLE 39, IDAHO CODE, RELATING TO MINORS' CONSENT TO CERTAIN MEDICAL TREATMENT; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 487

BY GIDDINGS

AN ACT

RELATING TO BALLOTS; AMENDING SECTION 34-1201, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SEALING AND STORAGE OF BALLOTS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 488

BY GIDDINGS

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-138, IDAHO CODE, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION FOR CERTAIN VIOLATIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 489

BY GIDDINGS

AN ACT

RELATING TO TAXATION POLICIES REGARDING FOOD; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622H, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION FOR FOOD SOLD FOR HUMAN CONSUMPTION AND TO DEFINE A TERM; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE THE PROVISIONS REGARDING REVENUE-SHARING DISTRIBUTION; REPEALING SECTION 63-3024A, IDAHO CODE, RELATING TO FOOD INCOME TAX CREDITS AND REFUNDS; REPEALING SECTION 63-3077G, IDAHO CODE, RELATING TO THE EXCHANGE OF INFORMATION WITH THE DEPARTMENT OF CORRECTION; REPEALING SECTION 63-3077H, IDAHO CODE, RELATING TO THE EXCHANGE OF INFORMATION WITH THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 32-706, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE FOOD TAX CREDIT AND REFUND; AND DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION, AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 490

BY GIDDINGS

AN ACT

RELATING TO FIREARMS; AMENDING SECTION 18-3302J, IDAHO CODE, TO PROVIDE A PENALTY FOR A VIOLATION; AMENDING SECTION 18-3315A, IDAHO CODE, TO PROVIDE A PENALTY FOR CERTAIN VIOLATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 491

BY NICHOLS

AN ACT

RELATING TO MEDICAL PRIVACY; AMENDING SECTION 39-9002, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 90, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-9004, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PRIVACY OF PERSONAL MEDICAL INFORMATION; AMENDING SECTION 39-9004, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE THAT CERTAIN VIOLATIONS SHALL CONSTITUTE MISDEMEANORS, AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SERVERABILITY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 492

BY NATE AND NICHOLS

AN ACT

RELATING TO FUELS TAX; AMENDING CHAPTER 24, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2402A, IDAHO CODE, TO PROVIDE FOR A TEMPORARILY REDUCED MOTOR FUEL TAX;

DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 493
BY NICHOLS**

AN ACT

RELATING TO SALES AND USE TAX; AMENDING SECTION 63-3619, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SALES TAX; AMENDING SECTION 63-3621, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE USE TAX; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 494
BY NECOCHEA**

AN ACT

RELATING TO PROPERTY TAX REDUCTION; AMENDING SECTION 63-701, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 63-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR THE PROPERTY TAX REDUCTION PROGRAM; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 495
BY CHANEY**

AN ACT

RELATING TO INCOME TAXES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029H, IDAHO CODE, TO ESTABLISH PROVISIONS FOR INCOME TAX CREDITS FOR CERTAIN PROPERTY TAXES PAID; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 496
BY SCOTT**

AN ACT

RELATING TO CHILD PROTECTION; AMENDING SECTION 16-1601, IDAHO CODE, TO REVISE A STATEMENT OF POLICY; AMENDING SECTION 16-1629, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND WELFARE; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 497
BY CHEW**

AN ACT

RELATING TO LABOR; REPEALING SECTION 44-1502, IDAHO CODE, RELATING TO MINIMUM WAGES; AMENDING CHAPTER 15, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-1502, IDAHO CODE, TO PROVIDE FOR MINIMUM WAGES; AMENDING SECTION 44-1503, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 498
BY RUBEL**

AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-3620F, IDAHO CODE, TO REVISE THE DISTRIBUTION OF TAX COLLECTED BY MARKETPLACE FACILITATORS AND OUT-OF-STATE RETAILERS; AMENDING SECTION 57-811, IDAHO CODE, TO REVISE PROVISIONS

REGARDING THE TAX RELIEF FUND; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF SALES AND USE TAX; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 499
BY JUDICIARY, RULES AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO; AMENDING SECTION 59-1303, IDAHO CODE, TO PROVIDE FOR THE POLICE OFFICER MEMBER STATUS OF EMERGENCY COMMUNICATIONS OFFICERS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 500
BY JUDICIARY, RULES AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO JUVENILE CORRECTIONS; AMENDING SECTION 16-2405, IDAHO CODE, TO PROVIDE A CERTAIN EXCEPTION REGARDING CHARGES TO PARENTS; AMENDING SECTION 16-2433, IDAHO CODE, TO PROVIDE A CERTAIN EXCEPTION REGARDING CHARGES TO PARENTS; AMENDING SECTION 19-854, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL BE PRESUMED INDIGENT; AMENDING SECTION 19-3922, IDAHO CODE, TO PROVIDE THAT JUVENILES, THEIR PARENTS, AND OTHER LEGALLY OBLIGATED PERSONS SHALL NOT BE RESPONSIBLE FOR CERTAIN COSTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-4708, IDAHO CODE, TO PROVIDE THAT JUVENILES, THEIR PARENTS, AND OTHER LEGALLY OBLIGATED PERSONS SHALL NOT BE CHARGED CERTAIN FEES AND COSTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-5608, IDAHO CODE, TO PROVIDE THAT JUVENILES, THEIR PARENTS, AND OTHER LEGALLY OBLIGATED PERSONS SHALL NOT BE CHARGED A CERTAIN FEE; AMENDING SECTION 20-225, IDAHO CODE, TO PROVIDE THAT JUVENILES, THEIR PARENTS, AND OTHER LEGALLY OBLIGATED PERSONS SHALL NOT BE CHARGED CERTAIN FEES; AMENDING SECTION 20-501, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 20-511, IDAHO CODE, TO REMOVE PROVISIONS REGARDING FEES FOR JUVENILES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-511A, IDAHO CODE, TO REMOVE A PROVISION REGARDING COSTS AND FEES FOR JUVENILES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-514, IDAHO CODE, TO REVISE A PROVISION REGARDING COMPENSATION FOR COUNSEL, TO REMOVE PROVISIONS REGARDING JUVENILES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-516A, IDAHO CODE, TO REMOVE PROVISIONS REGARDING FEES; AMENDING SECTION 20-519A, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXAMINATION OF A JUVENILE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-519B, IDAHO CODE, TO REMOVE PROVISIONS REGARDING A COMPETENCY RESTORATION PROGRAM FOR JUVENILES; AMENDING SECTION 20-520, IDAHO CODE, TO REMOVE PROVISIONS REGARDING CHARGES

AND FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-522, IDAHO CODE, TO REMOVE PROVISIONS REGARDING A CERTAIN CHARGE TO A PARENT, LEGAL GUARDIAN, OR CUSTODIAN; REPEALING SECTION 20-524, IDAHO CODE, RELATING TO SUPPORT OF A JUVENILE OR JUVENILE OFFENDER AND REIMBURSEMENT FOR COSTS INCURRED; AMENDING SECTION 20-529, IDAHO CODE, TO REVISE PROVISIONS REGARDING FUNDS AND FEES; AMENDING SECTION 20-532, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 5, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-550, IDAHO CODE, TO PROVIDE THAT CERTAIN FEES ASSESSED AGAINST JUVENILES SHALL BE VOID, UNCOLLECTIBLE, AND UNENFORCEABLE; AMENDING SECTION 31-870, IDAHO CODE, TO PROHIBIT A BOARD OF COUNTY COMMISSIONERS FROM IMPOSING OR COLLECTING CERTAIN FEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3201, IDAHO CODE, TO PROHIBIT A CLERK OF THE DISTRICT COURT FROM IMPOSING OR COLLECTING CERTAIN FEES; AMENDING SECTION 31-3201A, IDAHO CODE, TO PROVIDE A CERTAIN EXCEPTION REGARDING THE JUVENILE CORRECTIONS ACT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3201B, IDAHO CODE, TO PROHIBIT A COURT FROM CHARGING A CERTAIN FEE TO JUVENILES; AMENDING SECTION 31-3201C, IDAHO CODE, TO PROHIBIT A COURT FROM CHARGING A CERTAIN FEE TO JUVENILES; AMENDING SECTION 31-3201D, IDAHO CODE, TO PROVIDE A CERTAIN EXEMPTION REGARDING THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 31-3201E, IDAHO CODE, TO PROVIDE A CERTAIN EXEMPTION REGARDING THE JUVENILE CORRECTIONS ACT AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 501
BY JUDICIARY, RULES AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO THE IDAHO STATE CAPITOL; AMENDING SECTION 67-1602, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ALLOCATION AND CONTROL OF SPACE IN THE CAPITOL BUILDING AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 502
BY FERCH
AN ACT

RELATING TO IMMUNIZATION; AMENDING SECTION 39-4803, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IMMUNIZATION REGISTRY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 503
BY BUSINESS COMMITTEE
AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 54-1016, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR NONPROFIT ELECTRICAL INSTALLATION, TO PROVIDE CORRECT TERMINOLOGY,

AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2602, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR NONPROFIT PLUMBING INSTALLATION, TO PROVIDE CORRECT TERMINOLOGY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5002, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR NONPROFIT HVAC INSTALLATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 504
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE PERSONNEL SYSTEM; REPEALING SECTION 67-5339, IDAHO CODE, RELATING TO AN EDUCATIONAL LOAN REPAYMENT PROGRAM; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5339, IDAHO CODE, TO PROVIDE FOR AN EDUCATIONAL REIMBURSEMENT PROGRAM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[H 484](#), [H 485](#), [H 486](#), [H 487](#), [H 488](#), [H 489](#), [H 490](#), [H 491](#), [H 492](#), [H 493](#), [H 494](#), [H 495](#), [H 496](#), [H 497](#), [H 498](#), [H 499](#), [H 500](#), [H 501](#), [H 502](#), [H 503](#), and [H 504](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER
Second Reading of Bills and Joint Resolutions

[H 446](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

11TH ORDER
Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, January 31, 2022. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

15TH ORDER
Announcements

Announcements were made to the body.

16TH ORDER
Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, January 31, 2022. Seconded by Ms. Rubel. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:25 a.m.

SCOTT BEDKE, Speaker

ATTEST:
CARRIE MAULIN, Chief Clerk